

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 1, 1998**

**E023125      DPSS v. Michael C.**

**Opinion**

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Ward, J.

Court convened at 9:00A.M.

Panel 1

Present:

Ramirez, P.J.

Richli, J.

Ward, J.

Kelly Conn, Deputy Clerk

**E020886      People v. Xavier Gonzales**

Merits. Cause called and R. Clayton Seaman, Esq., argued for appellant; Frederick B. Clark, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Panel 1A

Present:

Ramirez, P.J.

Ward, J.

Gaut, J.

Kelly Conn, Deputy Clerk

**E020772      People v. Brett C. Cagley**

Counsel having previously waived oral argument in the above entitled cause in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and cause is submitted.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 1, 1998 (cont.)**

**E020558      People v. Alice M. Johnson et al.**

Merits. Cause called and David Morse, Esq., argued for appellant, James Davenport; Carl H. Horst, Deputy Attorney General, argued for respondent. No appearance on behalf of appellant, Alice Johnson. Cause submitted.

**E021108      People v. Tor C. Cleveland**

Merits. Cause called and Sung B. Park, Esq., argued for appellant; Susan Elizabeth Miller, Deputy Attorney General, argued for respondent. Cause submitted.

**E021007      People v. Adam Sanchez et al.**

Merits. Cause called and Richard D. Miggins, Esq., argued for appellant, Adam Sanchez; Harvey Goldhammer, Esq., argued for appellant, Gabriel Sanchez; Raquel M. Gonzalez, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Panel 1b

Present:

Hollenhorst, Acting P.J.

McKinster, J.

Richli, J.

Kelly Conn, Deputy Clerk

**E022092      People v. Joshua S.**

Counsel having previously waived oral argument in the above entitled cause in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and cause is submitted.

**E019743      People v. Arabian Nkimotu**

Merits. Cause called and Cindi Mishkin, Esq., argued for appellant; Frederick Clark, Deputy Attorney General, argued for respondent. Cause submitted.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 1, 1998 (cont.)**

**E020776      People v. Raymond R. Castaneda**

**E022923\*      In re Raymond R. Castaneda on Habeas Corpus**

Merits. Cause called and Doris S. Browning, Esq., argued for appellant; Niki Cox Shaffer, Deputy Attorney General, argued for respondent. Cause submitted.

\*Considered with appeal

**E020594      People v. Fernando Moreno**

Merits. Cause called and Doris S. Browning, Esq., argued for appellant; Raquel M. Gonzalez, Deputy Attorney General, argued for respondent. Cause submitted.

**E021984      People v. Roberto A. Hernandez**

Counsel having previously waived oral argument in the above entitled cause in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and cause is submitted.

**E021053      People v. Robert T. Kuikahi**

Merits. Cause called and Joyce Meisner Keller, Esq., argued for appellant; Niki Cox Shaffer, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30P.M.

Panel 2

Present:

Ramirez, P.J.

Hollenhorst, J.

McKinster, J.

Ann Dee Smith, Deputy Clerk

**E020608      Alan R. Koslow v. Loma Linda Univ. Medical Center**

Merits. Cause called and Michael R. Schaefer, Esq., argued for appellant; E. Nathan Schilt, Esq., argued for respondents. Cause submitted.

Court recessed.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 1, 1998 (cont.)**

Court reconvened.

Panel 2a

Present:

Ramirez, P.J.

Hollenhorst, J.

Gaut, J.

Ann Dee Smith, Deputy Clerk

**E020955      Robert Burks v. The Valley Times et al.**

Merits. Cause called and Williams T. Hess, Esq., argued for appellant; James J. Manning, Esq., argued for respondents. Cause submitted.

**E018109      Nanette Sands v. Phillip Sands**

Merits. Cause called and appellant argued in propria persona; respondent argued in propria persona. Cause submitted.

**E019249      Selim Reuben-Karady v. Iolanda Reuben-Karady**

Merits. Cause called and appellant argued in propria persona; no appearance made on behalf of respondent. Cause submitted.

**E021475      Waterman Convalescent Hosp. v. Jurupa Comm. Svcs. Dist.**

Merits. Cause called and Elizabeth Plott Tyler, Esq., argued for plaintiff and appellant; Jennifer T. Buckman, Esq., argued for defendant and appellant. Cause submitted.

**E018114      Mathew Hutchinson et al. v. County of San Bernardino**

Merits. Cause called and Dennis G. Popka, Esq., and Christopher D. Lockwood, Esq., argued for appellant; Daniel R. Sullivan, Esq., and Jeffrey L. Garland, Esq., argued for respondents. Cause submitted.

**E018649      Mathew Hutchinson et al. v. County of San Bernardino et al.**

Merits. Cause called and Dennis G. Popka, Esq. and Christopher D. Lockwood, Esq., argued for appellant; Daniel R. Sullivan, Esq., and Jeffrey L. Garland, Esq., argued for respondents. Cause submitted.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 1, 1998 (cont.)**

**E019798      Keystone Vending Co. v. Gary Vann**

Merits. Cause called and Arthur Jarvis Cohen, Esq., argued for appellant; no appearance made on behalf of respondent. Cause submitted.

**E020716      Keystone Vending Co. v. Gary Vann**

Merits. Cause called and no appearance made on behalf of appellant; Arthur Jarvis Cohen, Esq., argued for respondent. Cause submitted.

Court adjourned.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 2, 1998**

Court convened at 9:00A.M.

Panel 3  
Present:  
McKinster, Acting P.J.  
Richli, J.  
Ward, J.  
Steven McElroy, Deputy Clerk

**E021673          DPSS v. Dennis L.**

Counsel having previously waived oral argument in the above entitled cause in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and cause submitted.

**E023063          DPSS v. Natalie A.**

Counsel having previously waived oral argument in the above entitled cause in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and cause submitted.

**E023117          DPSS v. Lashonda M.**

Merits. Cause called and Julie Braden, Esq., argued for appellant; Regina A. Coleman, Deputy County Counsel, argued for respondent; Patrick J. Sampson, Esq., argued for minor. Cause submitted.

**E020002          Margarita Perez et al. v. Wayne Thomas et al.**

Merits. Cause called and Alan G. Barry, Esq., argued for appellants; No appearance on behalf of respondents. Cause submitted.

**E021158          Brian W. Ware v. Douglas E. Barnhart, Inc.**

Merits. Cause called and Thomas L. Hoegh, Esq., argued for appellant; Lawrence H. Nagler, Esq., argued for respondent. Cause submitted.

**E020602          Kim D. Varner v. Stephen Varner**

Merits. Cause called and Henry Phillip Starr, Esq., argued for appellant; Steven A. Becker, Esq., argued for respondent. Cause submitted.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 2, 1998 (cont.)**

**E020810          City of Cathedral City v. King's Men Corporation**

Merits. Cause called and Roger Jon Diamond, Esq., argued for appellant; Lisa A. Garvin, Esq., argued for respondent. Cause submitted.

**E021116        Milton Evans v. City of Victorville**

Merits. Cause called and appellant argued in propria persona; David J. Hancock, Esq., argued for respondent. Cause submitted.

**E020918        L.D. Anderson, Inc. v. All American Asphalt**

Merits. Cause called and James P. Wagoner, Esq., argued for appellant; Evertt Hinchcliffe, Esq., argued for respondent. Cause submitted.

**E022063        St. Bernardine Medical Center v. Dept. of Health Services**

Counsel having previously waived oral argument in the above entitled cause in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and cause is submitted.

Court recessed.

Court reconvened at 1:30P.M.

Panel 4

Present:

McKinster, Acting P.J.

Richli, J.

Ward, J.

Steven McElroy, Deputy Clerk

**E021854        Schaefer's Ambulance Service v. County of San Bernardino**

Merits. Cause called and John Gloger, Esq., argued for appellant; Alan L. Green, Deputy County Counsel, argued for respondent. Cause submitted.

**E018977        Neal S. Freeman v. Albert C. Johnson**

Merits. Cause called and David Flyer, Esq., argued for appellant; David Olson, Esq., argued for respondent. Cause submitted.

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**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 2, 1998 (cont.)**

**E018199        Fred Griffin et al. v. Walters Management Co.**

Merits. Cause called and Robert L. Bastian, Esq., argued for plaintiffs and appellants; David C. Skyer, Esq., argued for defendant and appellant. Cause submitted.

Court recessed.

Court reconvened.

Panel 4a

Present:

Hollenhorst, Acting P.J.

McKinster, J.

Richli, J.

Steven McElroy, Deputy Clerk

**E020604      John Grodahl et al. v. Metropolitan Water Dist. et al.**

Merits. Cause called and George Coleman, Esq., argued for appellants; Stanley O. Orrock, Esq., argued for respondents, Jane and William Robinson; Katherine E. Stone argued for respondent, Metropolitan Water District. Cause submitted.

Court recessed.

Court reconvened.

Panel 4c

Present:

Ramirez, P.J.

Hollenhorst, J.

Gaut, J.

Steven McElroy, Deputy Clerk

**E019736      Timothy A. Johnston v. Nissan Industrial Equip. Co. et al.**

Counsel having previously waived oral argument in the above entitled cause in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and cause submitted.

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**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 2, 1998 (cont.)**

**E021144      Raymond Huskey v. City of Upland et al.**

Merits. Cause called and Edward P. Zappia, Esq., argued for appellants; Gerald E. Lennon, Esq., argued for respondent. Cause submitted.

**E022049      Victoria Carlos v. Stater Bros. Market**

Merits. Cause called and Dennis M. Assuras, Esq., argued for appellant; Richard Newman, Esq., argued for respondent. Cause submitted.

**E022167      Thomas G. Sevier v. State of California, Department of Motor Vehicles**      Merits. Cause called and John N. Aquilina, Esq., argued for appellant; Jorge M. Otano, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Panel 4d

Present:

Ramirez, P.J.

Richli, J.

Gaut, J.

Steven McElroy, Deputy Clerk

**E020952       Daniel Gossai v. Gov. Bd. of Victor Valley Comm. Coll. Dist.**

Merits. Cause called and Warren S. Kinsler, Esq., argued for appellant; Seth J. Kelsey, Esq., argued for respondent. Cause submitted.

Court adjourned.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 3, 1998**

**E023847** The People v. Marlon Deshon Bayliss

**E023848** The People v. Eddie Lee Hampton

The above entitled cases are consolidated for one record, briefing, oral argument and decision.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 4, 1998**

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| <b>E022690</b> | <b>In re BRUCE KHOURI on Habeas Corpus</b>   | <b>Opinion</b> |
|                | Order Annulled.<br>McKinster, Acting P.J.<br>We concur: Richli, J., Ward, J.           |                |
| <b>E021884</b> | <b>People v. Frank G. Cardenas</b>   | <b>Opinion</b> |
|                | Judgment affirmed.<br>McKinster, J.<br>We concur: Hollenhorst, Acting P.J., Richli, J. |                |
| <b>E022063</b> | <b>St. Bernardine Medical Center v. S. Kimberly Belshe et al.</b>                      | <b>Opinion</b> |
|                | Judgment affirmed.<br>Ward, J.<br>We concur: McKinster, Acting P.J., Richli, J.        |                |
| <b>E018199</b> | <b>Fred Griffin et al. v. Walters Management Co.</b>                                   | <b>Opinion</b> |
|                | Judgment affirmed.<br>Ward, J.<br>We concur: McKinster, Acting P.J., Richli, J.        |                |
| <b>E021689</b> | <b>People v. Sergio A. Garza</b>   | <b>Opinion</b> |
|                | Judgment affirmed.<br>McKinster, Acting P.J.<br>We concur: Richli, J., Ward, J.        |                |

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 7, 1998**

- E022426      People v. Thomas E. Asher      Opinion**  
Judgment affirmed.  
McKinster, J.  
We concur: Hollenhorst, Acting P.J., Gaut, J.
- E020916      Ralph Smith v. City of Indian Wells      Opinion**  
Judgment affirmed.  
Ward, J.  
We concur: Hollenhorst, Acting P.J., Richli, J.
- E022727      Byron Barber v. Workers' Compensation Appeals Board;  
Farmers Insurance Group      Opinion**  
Judgment order annulled in part and matter remanded for further proceedings.  
Gaut, J.  
We concur: Richli, Acting P.J., Ward, J.
- E018977      Neal S. Freeman v. Albert C. Johnson      Opinion**  
Judgment affirmed.  
McKinster, Acting P.J.  
We concur: Richli, J., Ward, J.
- E022295      People v. Sergio G. Trevino      Opinion**  
Judgment affirmed.  
McKinster, J.  
We concur: Hollenhorst, Acting P.J., Richli, J.
- E020622      People v. Kevin Kelly Yates et al.      Modification of Opinion**  
No change in judgment.  
Petition for rehearing denied.  
Richli, J.  
We concur: Hollenhorst, Acting P.J., Gaut, J.
- E018472      City of Palm Springs v. Living Desert Reserve**  
City of Palm Spring's petition for rehearing granted. Opinion filed Nov 13, 1998, vacated, and matter set for oral argument on February 3, 1999, at 9:30 a.m. City's request for additional briefing denied.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 7, 1998 (cont.)**

**E021116      Milton Evans v. City of Victorville et al.**

**Opinion**

Judgment affirmed.

McKinster, Acting P.J.

We concur: Richli, J., Ward, J.

**E020918      L.D. Anderson, Inc. v. All American Asphalt**

**Opinion**

Judgment affirmed.

Ward, J.

We concur: McKinster, Acting P.J., Richli, J.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 8, 1998**

In the matter of the admission of Attorneys to the practice of law.

The Court of Appeal, Fourth Appellate District, Division Two, met in special session at 10:00 a.m., June 8, 1998, at the San Bernardino City Hall Council Chambers.

Court was called to order by Henry Espinoza, Assistant Clerk/Administrator of the Court.

Present were Associate Justice Barton C. Gaut and Associate Justice F. Douglas McDaniel, Retired; Associate Justice Gaut made introductory comments and addressed the admittees and all present.

Associate Justice Gaut called upon Bart W. Brizzee, President of the San Bernardino County Bar Association; Diane Catran Roth, President of the Riverside County Bar Association; Richard Scott, representing the Federal Bar Association and Richard Macias representing the American Bar Association ; each addressed the admittees briefly.

Associate Justice Gaut called upon Phil Madden, on behalf of the Committee of Bar Examiners, who notified the Court a motion has been made, in absentia, before the California Supreme Court on behalf of the Committee. The Movant then orally certified to the Court that those present have passed the Bar Examination and otherwise fulfilled the requirements for admission to the practice of law in California.

Justice F. Douglas McDaniel introduced the following new admittees to those present: Daniel Charles Brown, Marshall Brubacher, Alex Huynh, Paul Edward Maineri, Danielle Ngoc Sadler, Terri Lee Sale, Tauria Angela Stubblefield, Laura Ann Tall, Bronwyn Whittaker-Petersen and James Matthew Wilcox.

Associate Justice Gaut directed Deputy Clerk, Steven McElroy, to read section 6068 of the Business and Professions Code (State Bar Act) having to do with the duties and obligations of an attorney.

Associate Justice Gaut administered the oath and congratulated the new admittees. Associate Justice Gaut addressed and congratulated the admittees.

The Court in special session is adjourned.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 9, 1998**

**E021666      People v. Paul C. Hamilton**

Appellant's petition for rehearing is denied.

**E0218660      In re the Marriage of Ramona L. and William Lee Sexton  
Ramona L. Sexton v. William Lee Sexton**

**Opinion**

Judgment Reversed and remanded with directions.

Hollenhorst, J.

We concur: Ramirez, P.J., McKinster, J.

**E021150      In re the Marriage of Andria M. and Alexandre A. Rocha  
Andria M. Rocha v. Alexandre A. Rocha**

**Opinion**

Judgment Reversed.

Hollenhorst, Acting P.J.

We concur: Richli, J., Ward, J.

CERTIFIED FOR PUBLICATION

**E021781      In re Christina B., a Person Coming Under the Juvenile Court Law  
Department of Public Social Services v. Anna B.**

**Opinion**

Appeal Dismissed.

McKinster, J.

We concur: Ramirez, P. J., Gaut, J.

**E021475      Waterman Convalescent Hospital, Inc. v. Jurupa Community  
Services District**

**Opinion**

Judgment reversed.

Hollenhorst, J.

We concur: Ramirez, P.J., Gaut, J.

**E021290      In re Johnnie D., A Person Coming Under the Juvenile Court Law  
People v. Johnnie D.**

**Opinion**

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 9, 1998 (cont.)**

- E021520      In re the Marriage of Shirley and Donald J. Prosser  
                 Shirley A. Prosser v. Donald J. Prosser** **Opinion**  
Judgment affirmed.  
McKinster, J.  
We concur: Ramirez, P.J., Hollenhorst, J.
- E021691      People v. Ruben L. Mosqueda** **Opinion**  
Judgment affirmed.  
Richli, J.  
We concur: Hollenhorst, Acting P.J., Gaut, J.
- E019736\*      Timothy A. Johnston v. Nissan Industrial Equip. Co. et al.** **Opinion**  
**E020287\*      Timothy A. Johnston v. Kawasaki Motors Corp. U.S.A.**  
Judgment affirmed.  
Gaut, J.  
We concur: Ramirez, P.J., Hollenhorst, J.  
\* Consolidated
- E020886      People v. Xavier Gonzales** **Opinion**  
Judgment affirmed.  
Ramirez, P.J.  
We concur: Richli, J., Ward, J.
- E020776      People v. Raymond R. Castaneda** **Opinion**  
Judgment affirmed.
- E022923\*      In re Raymond Rudy Castaneda on Habeas Corpus.**  
Order to show cause issued; returnable in the super court.  
Richli, J.  
We concur: Hollenhorst, Acting P.J., McKinster, J.  
\* Considered with the appeal
- E018109      In re the Marriage of Nanette R. Jauregui and Phillip H. Sands**  
**Nanette R. Jauregui Sands v. Phillip H. Sands** **Opinion**  
Judgment affirmed. **Hollenhorst, J.**  
We concur: Ramirez, P.J., Gaut, J.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 9, 1998 (cont.)**

- E021673      In re Garrett L. et al., Persons Coming Under the Juvenile Court Law  
DPSS v. Diana L.      Opinion**  
Judgment affirmed in part and reversed in part.  
Richli, J.  
We concur: McKinster, Acting P.J., Ward, J.
- E023063      In re Joseph A., a Person Coming Under the Juvenile Court Law  
DPSS v. Natalie A.      Opinion**  
Judgment affirmed.  
Richli, J.  
We concur: McKinster, Acting P.J., Ward, J.
- E022092      In re Joshua S., a Person Coming Under the Juvenile Court Law  
People v. Joshua S.      Opinion**  
Judgment modified and affirmed with directions.  
Richli, J.  
We concur: Hollenhorst, Acting P.J., McKinster, J.
- E021517      The People v. Christopher Lemont Hall      Opinion**  
Judgment affirmed.  
Gaut, J.  
We concur: McKinster, Acting P.J., Richli, J.
- E022027      The People v. Mahadi Solan      Opinion**  
Judgment affirmed as modified.  
Hollenhorst, J.  
We concur: Ramirez, P.J., Ward, J.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 10, 1998**

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| <b>E021144</b> | <b>Raymond Huskey v. City of Upland et al.</b><br>Judgment affirmed.<br>Gaut, J.<br>We concur: Ramirez, P.J., Hollenhorst, J.   | <b>Opinion</b> |
| <b>E020604</b> | <b>John Grodahl et al. v. Metropolitan Water Dist. et al.</b><br>Judgment affirmed.<br>McKinster, J.<br>We concur: Hollenhorst, Acting P.J., Richli, J.                                 | <b>Opinion</b> |
| <b>E021313</b> | <b>County of San Bernardino v. Darryl Stewart</b><br>Judgment affirmed.<br>McKinster, J.<br>We concur: Ramirez, P.J., Hollenhorst, J.   | <b>Opinion</b> |
| <b>E020952</b> | <b>Daniel Gossai v. Gov. Bd. of Victor Valley Comm. Coll. Dist.</b><br>Judgment affirmed.<br>Gaut, J.<br>We concur: Ramirez, P.J., Richli, J.   | <b>Opinion</b> |
| <b>E021854</b> | <b>Schaefer's Ambulance Service v. County of San Bernardino</b><br>Judgment affirmed.<br>Richli, J.<br>We concur: McKinster, Acting P.J., Ward, J.<br>CERTIFIED FOR PARTIAL PUBLICATION | <b>Opinion</b> |
| <b>E021055</b> | <b>People v. Kirk B. Lazolla</b><br>Judgment affirmed.<br>Richli, J.<br>We concur: McKinster, Acting P.J., Gaut, J.   | <b>Opinion</b> |
| <b>E018114</b> | <b>Mathew Hutchinson et al. v. County of San Bernardino</b><br>Judgment affirmed.<br>Ramirez, P.J.<br>We concur: Hollenhorst, J., Gaut, J.  | <b>Opinion</b> |

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 10, 1998 (cont.)**

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| <b>E016230</b> | <b>People v. Lawrence Birks</b><br>Judgment affirmed and remanded for resentencing.<br>McKinster, Acting P.J.<br>We concur: Richli, J., Gaut, J. | <b>Opinion</b> |
| <b>E020716</b> | <b>Keystone Vending Co. v. Gary Vann</b><br>Judgment affirmed as modified.<br>Ramirez, P.J.<br>We concur: Hollenhorst, J., Gaut, J.              | <b>Opinion</b> |
| <b>E020002</b> | <b>Margarita Perez et al. v. Wayne Thomas et al.</b><br>Judgment affirmed.<br>Richli, J.<br>We concur: McKinster, Acting P.J., Ward, J.          | <b>Opinion</b> |
| <b>E022453</b> | <b>People v. Michael Grubb et al.</b><br>Judgment affirmed.<br>McKinster, J.<br>We concur: Hollenhorst, Acting P.J., Richli, J.                  | <b>Opinion</b> |
| <b>E022304</b> | <b>People v. Robert Strickland</b><br>Judgment affirmed.<br>McKinster, Acting P.J.<br>We concur: Richli, J., Gaut, J.                            | <b>Opinion</b> |
| <b>E022553</b> | <b>People v. Ricky L. Jones</b><br>Judgment affirmed.<br>McKinster, Acting P.J.<br>We concur: Richli, J., Ward, J.                               | <b>Opinion</b> |
| <b>E018649</b> | <b>Mathew Hutchinson et al. v. Special District No. 42</b><br>Judgment affirmed.<br>Ramirez, P.J.<br>We concur: Hollenhorst, J., Gaut, J.        | <b>Opinion</b> |

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 10, 1998 (cont.)**

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| <b>E021772</b> | <b>People v. Nicholas W. Buro</b><br>Judgment affirmed.<br>Ramirez, P.J.<br>We concur: Hollenhorst, J., Richli, J.  | <b>Opinion</b> |
| <b>E020874</b> | <b>People v. Darrell L. Manry</b><br>Judgment affirmed.<br>Ramirez, P.J.<br>We concur: Hollenhorst, J., Richli, J.  | <b>Opinion</b> |
| <b>E020224</b> | <b>People v. Louie Giannini</b><br>Judgment affirmed in part and reversed in part.<br>Richli, J.<br>We concur: Ramirez, P.J., Hollenhorst, J.                                 | <b>Opinion</b> |
| <b>E021773</b> | <b>People v. Jesse V. Perry</b><br>Judgment affirmed.<br>McKinster, Acting P.J.<br>We concur: Richli, J., Ward, J.  | <b>Opinion</b> |
| <b>E020772</b> | <b>People v. Brett Charles Cagley</b><br>Judgment affirmed.<br>Gaut, J.<br>We concur: Ramirez, P.J., Ward, J.   | <b>Opinion</b> |
| <b>E020608</b> | <b>Alan R. Koslow v. Loma Linda Univ. Medical Center</b><br>Judgment affirmed.<br>Hollenhorst, J.<br>We concur: Ramirez, P.J., McKinster, J.                                  | <b>Opinion</b> |
| <b>E023138</b> | <b>In re Justin D., a Person Coming Under the Juvenile Court Law<br/>DPSS v. David D.</b><br>Judgment affirmed.<br>Hollenhorst, J.<br>We concur: Ramirez, P.J., McKinster, J. | <b>Opinion</b> |

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 10, 1998 (cont.)**

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| <b>E022608</b> | <b>People v. Kenneth P. Henson</b><br>Judgment affirmed.<br>Richli, J.<br>We concur: McKinster, Acting P.J., Gaut, J.           | <b>Opinion</b> |
| <b>E021758</b> | <b>People v. Carlton F. Bolar</b><br>Judgment affirmed.<br>Richli, J.<br>We concur: McKinster, Acting P.J., Gaut, J.            | <b>Opinion</b> |
| <b>E021888</b> | <b>People v. Raymond Quevedo</b><br>Judgment affirmed.<br>Ramirez, P.J.<br>We concur: Hollenhorst, J., Ward, J.                 | <b>Opinion</b> |
| <b>E021918</b> | <b>People v. Larry D. Bailey</b><br>Judgment affirmed with directions.<br>Ward, J.<br>We concur: Ramirez, P.J., Hollenhorst, J. | <b>Opinion</b> |
| <b>E021028</b> | <b>People v. Marcus L. Rawls</b><br>Judgment affirmed.<br>Richli, J.<br>We concur: McKinster, Acting P.J., Gaut, J.             | <b>Opinion</b> |
| <b>E019798</b> | <b>Keystone Vending Co. v. Gary Vann</b><br>Judgment affirmed.<br>Ramirez, P.J.<br>We concur: Hollenhorst, J., Gaut, J.         | <b>Opinion</b> |
| <b>E021584</b> | <b>People v. Ernest A. Graves</b><br>Judgment affirmed.<br>Richli, J.<br>We concur: Ramirez, P.J., Hollenhorst, J.              | <b>Opinion</b> |

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 10, 1998 (cont.)**

**E020594      People v. Fernando Moreno**

Judgment affirmed as modified.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Richli, J.

**Opinion**

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 11, 1998**

**E019743      People v. Arabian Nkimotu**

**Opinion**

Judgment affirmed as modified.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

**E023748      People v. Jose Luis Diaz**

**E023946      People v. Jose Luis Diaz**

Cases consolidated for purposes of one record, briefing, oral argument and decision.  
E023748 designated the master file.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 14, 1998**

- E021526      People v. Levona Sykes** **Opinion**  
Judgment affirmed.  
Hollenhorst, J.  
We concur: Ramirez, P.J., Ward, J.
- E021805      People v. Juan C. Martinez** **Opinion**  
Judgment affirmed.  
Hollenhorst, J.  
We concur: Ramirez, P.J., Ward, J.
- E020385      Shannon/Lake Elsimore, Inc., v. Real Estate Investment  
Svcs. et al.** **Opinion**  
Judgment affirmed.  
Gaut, J.  
We concur: Ramirez, P.J., McKinster, J.
- E023406      KSL LA Quinta Corporation v. Dolores Frances Stewart et al.**  
**E023908      KSL LA Quinta Corporation v. Dolores Frances Stewart et al.**  
Appeals consolidated for all purposes; E023406 is designated the master file.
- E019249      Selim Reuben-Karady v. Iolanda Reuben-Karady** **Opinion**  
Judgment affirmed.  
Hollenhorst, J.  
We concur: Ramirez, P.J., Gaut, J.
- E021899      People v. Kenneth Lee Davis**  
Judgment affirmed.  
Ramirez, P.J.  
We concur: Hollenhorst, J., Richli, J.

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| <b>E022917</b> | <b>In re Celia B., a Person Coming Under the Juvenile Court Law.<br/>DPSS v. Teresa F.</b>             | <b>Opinion</b> |
|                | Judgment affirmed.<br>McKinster, Acting P.J.<br>We concur: Ward, J., Gaut, J.                          |                |
| <b>E021972</b> | <b>People v. Gary Marshall</b>   | <b>Opinion</b> |
|                | Judgment affirmed and remanded with directions.<br>Ramirez, P.J.<br>We concur: Ward, J., Gaut, J.      |                |
| <b>E021984</b> | <b>People v. Roberto A. Hernandez</b>  | <b>Opinion</b> |
|                | Judgment affirmed with directions.<br>Hollenhorst, Acting P.J.<br>We concur: McKinster, J., Richli, J. |                |

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 16, 1998**

No minutes for December 16, 1998.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 17, 1998**

**E021108      People v. Tor C. Cleveland**

**Opinion**

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., Gaut, J.

**E021189      People v. Jose H.**

**Opinion**

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Richli, J.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 18, 1998**

**E020862      People v. Perry R. Avila**

Judgment affirmed with directions.

Gaut, J.

We concur: McKinster, Acting P.J., Richli, J.

**Opinion**

**E020602      In re the Marriage of Kim and Stephen Varner  
Kim Denis Varner v. Stephen Varner**

Judgment affirmed as modified.

McKinster, Acting P.J.

I concur: Richli, J.,

I dissent: Ward, J.

CERTIFIED FOR PARTIAL PUBLICATION

**Opinion**

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 21, 1998**

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|----------------|---|----------------|
| <b>E022223</b> | <b>People v. Marcel Poetoehehena</b><br>Judgment affirmed.<br>Gaut, J.<br>We concur: McKinster, Acting P.J., Richli, J.                                 | <b>Opinion</b> |
| <b>E019910</b> | <b>Annette Hinton, et al., v. Loma Linda University<br/>Medical Center</b><br>Judgment affirmed.<br>McKinster, J.<br>We concur: Ramirez, P.J., Gaut, J. | <b>Opinion</b> |
| <b>E021451</b> | <b>People v. Jose A. Espinoza</b><br>Judgment affirmed.<br>Ramirez, P.J.<br>We concur: Hollenhorst, J., Richli, J.                                      | <b>Opinion</b> |
| <b>E021543</b> | <b>People v. Michael P. Mullis</b><br>Judgment affirmed.<br>Ramirez, P.J.<br>We concur: Hollenhorst, J., Richli, J.                                     | <b>Opinion</b> |
| <b>E021395</b> | <b>People v. Francisco B. Lujano</b><br>Judgment affirmed.<br>Ramirez, P.J.<br>We concur: Hollenhorst, J., Richli, J.                                   | <b>Opinion</b> |
| <b>E021255</b> | <b>People v. Cedric S. Pollard</b><br>Judgment affirmed.<br>Ramirez, P.J.<br>We concur: Hollenhorst, J., Ward, J.                                       | <b>Opinion</b> |
| <b>E022742</b> | <b>People v. Jonathon Hills</b><br>Judgment affirmed.<br>Ramirez, P.J.<br>We concur: Hollenhorst, J., Richli, J.  | <b>Opinion</b> |

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 21, 1998 (cont.)**

**E022970      People v. Walter L. Herod**

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Ward, J.

**Opinion**

**E021799      People v. Roberto Jose Garcia**

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Richli, J.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 22, 1998**

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| <b>E021206</b>  | <b>People v. Billy A. Gosnell</b><br>Judgment affirmed.<br>Gaut, J.<br>We concur: McKinster, Acting P.J., Richli, J.   | <b>Opinion</b> |
| <b>E022291</b>  | <b>People v. Ronnie L. Roy</b><br>Judgment affirmed.<br>Richli, J.<br>We concur: Ramirez, P.J., Ward, J.   | <b>Opinion</b> |
| <b>E022130</b>  | <b>People v. Lawrence Kirkley</b><br>Judgment affirmed.<br>Richli, J.<br>We concur: Ramirez, P.J., Hollenhorst, J.   | <b>Opinion</b> |
| <b>E022639</b>  | <b>People v. Jerry M. Owens</b><br>Judgment affirmed.<br>Richli, J.<br>We concur: Ramirez, P.J., Ward, J.  | <b>Opinion</b> |
| <b>E022140</b>  | <b>In re Daniel L., A Person Coming Under the Juvenile Court Law<br/>People v. Daniel L.</b><br>Judgment affirmed.<br>Richli, J.<br>We concur: Ramirez, P.J., Ward, J. | <b>Opinion</b> |
| <b>E022226*</b> | <b>People v. Obed D. Licano</b>  | <b>Opinion</b> |
| <b>E022227*</b> | <b>People v. Obed D. Licano</b><br>Judgment affirmed.<br>Richli, J.<br>We concur: Hollenhorst, Acting P.J., Gaut, J.<br>*Consolidated                                  |                |

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 22, 1998 (cont.)**

- E022815\*      In re Angel P., A Person Coming Under the Juvenile Court Law  
DPSS v. Antonio P.      Opinion**
- E022907\*      DPSS v. Angela P.**  
Judgment affirmed.  
Richli, J.  
We concur: Ramirez, P.J., Ward, J.  
\*Consolidated
- E022601      In re Sumar A., et al., Persons Coming Under the Juvenile Court Law  
DPSS v. Sherry A.      Opinion**  
Judgment affirmed.  
Richli, J.  
We concur: Hollenhorst, Acting P.J., Gaut, J.
- E021536      People v. Richard E. Ahearn      Opinion**  
Judgment reversed.  
Richli, J.  
We concur: Ramirez, P.J., Hollenhorst, J.
- E021053      People v. Robert T. Kuikahi      Opinion**  
Judgment affirmed.  
McKinster, J.  
We concur: Hollenhorst, Acting P.J., Richli, J.
- E020558      People v. Alice M. Johnson et al.      Opinion**  
Judgment affirmed.  
Ramirez, P.J.  
We concur: Ward, J., Gaut, J.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 23, 1998**

**E022453      People v. Michael Grubbs et al.**

On Court's own motion, it is ORDERED that the opinion filed on December 10, 1998, is VACATED.

**E021833      Paul Fassari v. Board of Retirement**

**Opinion**

Judgment affirmed with directions.

Richli, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

**E020704      People v. Claude Young**

**Opinion**

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

**E022134      People v. Maurice L. Bowie**

**Opinion**

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

**E020838      People v. Anthony L. Scott**

**Opinion**

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Hollenhorst, J.

**E021558      People v. Jack N. Nottingham**

**Opinion**

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Richli, J.

**E022447      People v. Archie K. Perdue**

**Opinion**

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Hollenhorst, J.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 23, 1998 (cont.)**

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| <b>E022337</b> | <b>People v. Dennis Grzybczyk</b><br>Judgment affirmed.<br>Ramirez, P.J.<br>We concur: Hollenhorst, J., Richli, J.  | <b>Opinion</b> |
| <b>E021208</b> | <b>People v. Bill E. Eros</b><br>Judgment affirmed.<br>Ramirez, P.J.<br>We concur: Hollenhorst, J., Richli, J.  | <b>Opinion</b> |
| <b>E022614</b> | <b>People v. Jose A. Gallardo</b><br>Judgment affirmed.<br>Ramirez, P.J.<br>We concur: Hollenhorst, J., Richli, J.  | <b>Opinion</b> |
| <b>E023037</b> | <b>People v. Lance N. Meyer</b><br>Judgment affirmed.<br>Ramirez, P.J.<br>We concur: Hollenhorst, J., Ward, J.  | <b>Opinion</b> |
| <b>E017760</b> | <b>People v. Darryl L. Love</b><br>Judgment affirmed with directions.<br>Ramirez, P.J.<br>We concur: McKinster, J., Richli, J.  | <b>Opinion</b> |
| <b>E022950</b> | <b>In re Levi B., a Person Coming Under the Juvenile Court Law</b><br><b>People v. Levi B.</b><br>Judgment affirmed.<br>Richli, J.<br>We concur: McKinster, Acting P.J., Gaut, J. | <b>Opinion</b> |
| <b>E021966</b> | <b>People v. Jesse A. Chavez</b><br>Judgment affirmed.<br>Richli, J.<br>We concur: McKinster, Acting P.J., Gaut, J.   | <b>Opinion</b> |

**E023270      In re Bernard M., a Person Coming Under the Juvenile Court Law  
James M. v. DPSS      Opinion**

We concur: Ramirez, P.J., McKinster, J.

E023822 is designated the master file.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 24, 1998**

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| <b>E020760</b> | <b>People v. Eugenio Mata</b><br>Judgment affirmed.<br>Hollenhorst, J.<br>We concur: Ramirez, P.J., Ward, J.               | <b>Opinion</b> |
| <b>E021912</b> | <b>People v. Joseph Villegas</b><br>Judgment affirmed.<br>Hollenhorst, J.<br>We concur: Ramirez, P.J., Ward, J.            | <b>Opinion</b> |
| <b>E021593</b> | <b>People v. Roy L. Hale</b><br>Judgment affirmed.<br>Hollenhorst, J.<br>We concur: Ramirez, P.J., Ward, J.                | <b>Opinion</b> |
| <b>E021970</b> | <b>People v. Todd N. Carlock</b><br>Judgment affirmed.<br>Hollenhorst, J.<br>We concur: Ramirez, P.J., Ward, J.            | <b>Opinion</b> |
| <b>E021704</b> | <b>People v. Thomas Ortega</b><br>Judgment affirmed.<br>Hollenhorst, J.<br>We concur: Ramirez, P.J., Ward, J.              | <b>Opinion</b> |
| <b>E022167</b> | <b>Thomas G. Sevier v. State of CA, DMV</b><br>Judgment affirmed.<br>Ramirez, P.J.<br>We concur: Hollenhorst, J., Gaut, J. | <b>Opinion</b> |
| <b>E020904</b> | <b>People v. Dyvod V. Hammond</b><br>Judgment affirmed.<br>Richli, J.<br>We concur: Ramirez, P.J., Ward, J.                | <b>Opinion</b> |

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 24, 1998 (cont.)**

**E021976      People v. Robert V. Rodriguez**

**Opinion**

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Ward, J.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 25, 1998**

Holiday

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 28, 1998**

No minutes for December 28, 1998.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 29, 1998**

**E022092      In re Joshua S., a person coming under the Juvenile Court Law.  
People v. Joshua S.**

Appellant's petition for rehearing denied.

**E020918      L.D. Anderson, Inc. v. All American Asphalt**

Appellant's petition for rehearing denied.

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 30, 1998**

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| <b>E020433</b> | <b>People v. Scott L. Matz</b>  | <b>Opinion</b> |
|                | Judgment Reversed.<br>Ward, J.<br>We concur: McKinster, Acting P.J., Gaut, J.<br>*CERTIFIED FOR PARTIAL PUBLICATION |                |
| <b>E022453</b> | <b>People v. Michael Grubb et al.</b>   | <b>Opinion</b> |
|                | Judgment affirmed.<br>McKinster, J.<br>We concur: Hollenhorst, Acting P.J., Richli, J.                              |                |
| <b>E021564</b> | <b>People v. Sammy Serrano</b>  | <b>Opinion</b> |
|                | Judgment affirmed.<br>Ward, J.<br>We concur: Ramirez, P.J., Hollenhorst, J.   |                |
| <b>E022032</b> | <b>Marriage of Marquita and Michael DeLap<br/>Marquita M. DeLap v. Michael R. DeLap</b>                             | <b>Opinion</b> |
|                | Judgment affirmed.<br>Ward, J.<br>We concur: Hollenhorst, Acting P.J., Richli, J.                                   |                |
| <b>E020444</b> | <b>People v. Charles A. Ross</b>  | <b>Opinion</b> |
|                | Judgment affirmed.<br>Ward, J.<br>We concur: Ramirez, P.J., Hollenhorst, J.   |                |

**Court of Appeal  
Fourth District, Division 2  
San Bernardino, California**

**Minutes  
December 31, 1998**

**E023214      In re Xavier D. et al., Persons Coming Under the Juvenile Court Law  
DPSS v. Stacy C.      Opinion**

Judgment affirmed.

Ward, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

**E022252      People v. Richard C. Miller      Opinion**

Judgment affirmed.

Ward, J.

We concur: McKinster, Acting P.J., Gaut, J.